

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re _____) Case No. _____
)
) NOTICE OF MOTION FOR
) RELIEF FROM AUTOMATIC
 Debtor(s)) STAY IN A CHAPTER 11/12 CASE,
) AND OF HEARING THEREON

YOU ARE NOTIFIED THAT:

1. A motion was filed by _____ for relief from the automatic stay protecting the debtor(s) and debtor's property, as provided by 11 USC §362.
2. The name and address of the moving party's attorney (or moving party, if no attorney) are:
3. If you wish to resist the motion you must, within 14 days of the service date shown below, file a written response with the Clerk of the Bankruptcy Court and, if served in paper, a certificate showing a copy of the response has been served on the moving party's attorney.
4. Contents of Response. A response must state the facts upon which relief from the automatic stay is resisted. See [Local Form 720.50](#) for details.
5. **If you file a timely Response:**

A Hearing on the motion will be held as follows:

Date: _____ **Time:** _____

Location: ☐ Courtroom # _____, _____

☐ Telephone Hearing [NOTE: See [LBF 888](#), Telephone Hearing Requirements]

Call In Number: (888) 684-8852

Access Code: ☐ 4950985 for Judge Trish M. Brown (tmb)
☐ 5870400 for Judge David W. Hercher (dwh)
☐ 1238244 for Judge Peter C. McKittrick (pcm)
☐ 3388495 for Judge Thomas M. Renn (tmr)
☐ Other _____

NO TESTIMONY will be taken at the hearing.

6. **If a timely response is not filed**, then either:

a. The court may sign an ex parte order, submitted by the moving party, granting relief from the stay;

or b. The stay will expire under the terms of 11 USC §362(e) 30 days after the motion was filed.

CLERK, U.S. BANKRUPTCY COURT

(If filing in paper and if the 5-digit portion of the Case No. begins with "3" or "4", mail to 1001 SW 5th Ave. #700, Portland OR 97204. If it begins with "6" or "7", mail to 405 E 8th Ave #2600, Eugene OR 97401)

I certify that on _____ copies of (1) this Notice, (2) [Local Form 720.50](#) if this Notice was served on paper, (3) [Local Form 888](#) if this Notice was served on paper and a Telephone Hearing will be held, and (4) the Motion were served on the Debtor(s), U.S. Trustee, and on the following parties, if any: Trustee, Creditors' Committee Chairperson, and their respective attorneys.

Signature of Moving Party or Attorney

Russell D. Garrett, OSB # 882111
JORDAN RAMIS PC
Two Centerpointe Drive, Suite 600
Lake Oswego, OR 97035
Telephone: (503) 598-7070
Fax: (503) 598-7373

Attorney for Jennifer Newmarch and
Hannah Newmarch

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:

Sunshine Dairy Foods Management, LLC;
and
Karamanos Holdings, Inc.

Debtors.

Case No. 18-31644-pcm11 (Lead Case)
Case No. 18-31646-pcm11
(Jointly Administered)

Chapter 11

MOTION FOR RELIEF FROM THE
AUTOMATIC STAY AS IT
RELATES TO JENNIFER
NEWMARCH AND HANNAH
NEWMARCH

Jennifer Newmarch and Hannah Newmarch Creditors in this case, move for an Order Granting Relief from the Automatic Stay under 11 U.S.C. §362(d) as to Sunshine Dairy Foods Management, LLC (hereinafter “Debtor”) in order to continue their claim in Thurston County Superior Court, Washington to the extent insurance proceeds exists.

1. The Debtor filed a Chapter 11 on May 9, 2018. Jennifer Newmarch and Hannah Newmarch are Creditors of the Debtor.
2. Creditors move for relief from the automatic stay pursuant to 11 U.S.C. §362(d) as to the Debtor as a consequence of a motor vehicle accident in which Terrance Birley, an

employee of the debtor caused physical and bodily injury to Creditors on or about August 29, 2014.

3. Creditors have a claim that is covered under Debtor's insurance coverage with one or more insurance carrier includes Travelers Insurance.
4. Relief from the Stay is requested in order to litigate the nature and extent of the claim against the Debtor and Debtor's employee in state court for the sole purpose of realizing on the insurance proceeds.
5. Pertinent data is as follows:

Agreement Date:	Not applicable
Date of Lien:	Not applicable
Lien Perfection Date:	Not applicable
Original Amount of Debt:	Not applicable
Agreement Form:	Not applicable
Collateral:	Not applicable
Payment:	Not applicable
Nature of Default:	Not applicable
Net Principal Balance:	Not applicable
Value of Collateral:	Not applicable
Date of Last Payment:	Not applicable
Account Due For:	Not applicable
Total Nos. of Payments:	Not applicable
Total Sums in Default:	Not applicable
Equity:	Not applicable

WHEREFORE, Creditors Jennifer Newmarch and Hannah Newmarch request that:

- (1) The automatic stay be terminated immediately under 11 U.S.C. §362(d);
- (2) The fourteen (14) day waiting period set forth in Fed. R. Bankr. P. 4001(a)(3) be waived; and

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(3) Creditors Jennifer Newmarch and Hannah Newmarch be permitted to proceed in State Court against the Debtor to make a full determination as to any and all liability and damages with any determination of liability and damages for such action thereafter only enforced to the extent of applicable insurance coverage of the Debtor.

Dated this 24th day of September, 2018.

JORDAN RAMIS PC

By: /s/ Russell D. Garrett
Russell D. Garrett, OSB # 882111
Attorney for Jennifer Newmarch and
Hannah Newmarch

CERTIFICATE OF SERVICE

I hereby certify that on the date shown below, I served a true and correct copy of the foregoing MOTION FOR RELIEF FROM THE AUTOMATIC STAY AS IT RELATES TO JENNIFER NEWMARCH AND HANNAH NEWMARCH on:

Carla Gowen McClurg
Office of the US Trustee
620 SW Main St., Room 213
Portland, OR 97205
email: carla.mcclurg@usdoj.gov

Valley Falls Farm, LLC
c/o: Bryan P. Coluccio
Keystone Pacific, LLC
18555 SW Teton Avenue
Tualatin, OR 97062
Creditor Comm. Chair

High Desert Milk
c/o: Steven Tarbet, CFO
1033 Idaho Avenue
Burley, ID 83318
Creditor Committee

Electric, Inc.
c/o: Christopher C. Winston, President
PO Box 820386
Vancouver, WA 98682
Creditor Committee

John H. Chambers
Dunn Carney LLP
851 SW Sixth Avenue
Suite 1500
Portland, OR 97204
email: jchambers@dunnearney.com
Attorneys for Electric, Inc.

Ernest Packaging Solutions
c/o: Jennifer Delgadillo
Director of Corp. Credit
5777 Smith Way St
Commerce, CA 90040
Creditor Committee

Stiebrs Farms, Inc.
c/o: Janis E. Stiebrs, President
PO Box 598
Yelm, WA 98597

Official Committee of Unsecured
Creditors, c/o Valley Falls Farms, LLC
Chair
Leonard Law Group, LLC
1 SW Columbia, Suite 1010
Portland, OR 97258
Creditor Committee

Justin D. Leonard
Leonard Law Group, LLC
1 SW Columbia, Suite 1010
Portland, OR 97258
email: jleonard@llg-llc.com
*Attorneys for Official Committee of
Unsecured Creditors, c/o Valley Farms,
LLC*

Timothy A. Solomon
Leonard Law Group, LLC
1 SW Columbia, Suite 1010
Portland, OR 97258
email: tsolomon@llg-llc.com
*Attorneys for Official Committee of
Unsecured Creditors, c/o Valley Farms,
LLC*

CERTIFICATE OF SERVICE

JORDAN RAMIS PC
Attorneys at Law
Two Centerpointe Dr 6th Flr
Lake Oswego OR 97035
Telephone: (503) 598-7070 Fax: (503) 598-7373
40059-12345.rdg 3211667/MB/9/24/2018

Sunshine Dairy Foods Management,
LLC aka Sunshine Dairy Foods
801 NE 21st Avenue
Portland, OR 97232
MULTNOMAH-OR
Tax ID/EIN: 20-8186415

Christopher N. Coyle
319 SW Washington Street, Suite 520
Portland, OR 97204
email: vbcattorney4@yahoo.com
*Attorneys for Sunshine Dairy Foods
Management, LLC aka Sunshine Dairy
Foods*

Douglas R. Ricks
319 SW Washington Street, Suite 520
Portland, OR 97204
email: vbc servicedougr@yahoo.com
*Attorneys for Sunshine Dairy Foods
Management, LLC aka Sunshine Dairy
Foods*

Robert J. Vanden Bos
319 SW Washington Street, Suite 520
Portland, OR 97204
email: vbc service@yahoo.com
*Attorneys for Sunshine Dairy Foods
Management, LLC aka Sunshine Dairy
Foods*

U.S. Trustee, Portland
620 SW Main Street, Suite 213
Portland, OR 97205
U.S. Trustee

Jonas V. Anderson
Office of the United States Trustee
405 E. 8th Avenue, Suite 1100
Eugene, OR 97401
email: jonas.v.anderson@usdoj.gov
Attorneys for U.S. Trustee, Portland



by electronic transmission and first class mail, postage prepaid.

DATED: September 24, 2018.

By: /s/ Russell D. Garrett
Russell D. Garrett, OSB # 882111
Attorney for Jennifer Newmarch and
Hannah Newmarch

CERTIFICATE OF SERVICE

JORDAN RAMIS PC
Attorneys at Law
Two Centerpointe Dr 6th Flr
Lake Oswego OR 97035
Telephone: (503) 598-7070 Fax: (503) 598-7373
40059-12345.rdg 3211667/MB/9/24/2018